

RESOLUTION NO. 3776

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH AN IMPROVEMENT DISTRICT TO PURCHASE ENERGY TO LIGHT THE PUBLIC STREETS AND PARKS IN THAT CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE TOWN OF GILBERT, ARIZONA, TO BE KNOWN AS **"TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 14-09, WARNER GROVES AT MORRISON RANCH"** AS DESCRIBED IN EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; PROVIDING THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN THE DISTRICT; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES, AS AMENDED; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statutes, petitioned the Mayor and Council of the TOWN OF GILBERT, Arizona (hereinafter referred to as "Town") to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for lighting the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in **Exhibit A** (hereinafter referred to as "District") with such boundaries as shown in the map in **Exhibit B**, attached hereto; and

WHEREAS, the Town verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District; and

WHEREAS, the Common Council of the Town hereby find and determine that it has jurisdiction to adopt this Resolution to order the Improvements pursuant to Section 48-576, Arizona Revised Statutes, and, pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statutes, it has immediate jurisdiction to adopt this Resolution ordering the Improvements without the necessity of publication and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, that:

Section 1. The Town, after verifying ownership of the real property included within the boundaries of the District, hereby finds that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 14-09, WARNER GROVES AT MORRISON RANCH."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Common Council of the Town to order the Improvement as described above.

Section 5. In the opinion of the Common Council of the Town, the Improvement is of more than local or ordinary public benefit and is of special benefit to the respective lots, pieces and parcels of real property in the District.

Section 6. The Common Council of the Town hereby make and order the expense of the Improvement payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District. Said District, is legally described on **Exhibit A** attached hereto with the boundaries as shown in the map in **Exhibit B** attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 7. Pursuant to Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, the resolution ordering the improvement shall be adopted without the necessity of publication and posting of the resolution of intention provided for in Section 48-578.

Section 8. The Common Council of the Town shall make annual statements and estimates of the expenses of the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Sections 42-17101 et seq., 42-17151, 42-17152, Arizona Revised Statutes. Said expenses shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district. The Common Council of the Town shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by

ad valorem taxes upon all of the property of the district and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and estimates as adopted by the Common Council of the Town. All statutes providing for the levy and collection of State of Arizona and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 9. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per one hundred dollars of assessed valuation thereof in any year.

Section 10. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing energy for street and public park lighting.

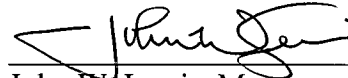
Section 11. The formation of the District shall not prevent the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 12. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the Town.

Section 13. The rate to be paid for purchasing energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by Salt River Project, Arizona Public Service Company, or other energy provider.

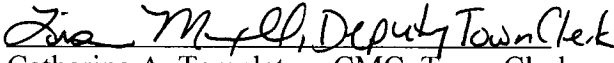
Section 14. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of
the TOWN OF GILBERT, Arizona, this 15th day of January, 2015.



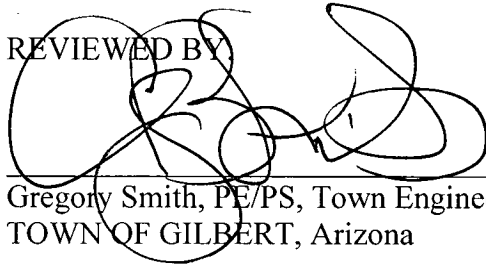
John W. Lewis, Mayor
TOWN OF GILBERT, Arizona

ATTEST:



Catherine A. Templeton, CMC, Town Clerk
for TOWN OF GILBERT, Arizona

REVIEWED BY



Gregory Smith, PE/PS, Town Engineer
TOWN OF GILBERT, Arizona

APPROVED AS TO FORM:



L. Michael Hamblin, Town Attorney
TOWN OF GILBERT, Arizona

The following exhibits are attached hereto and incorporated herein:

- A. Legal description
- B. Map of the boundaries of the District

CERTIFICATION

I hereby certify that the foregoing Resolution No. 3776 was duly passed and adopted by the Mayor and Council of the TOWN OF GILBERT, Arizona, at a meeting held on January 15, 2015, that the vote thereon was 7 ayes, 0 nays, and that the Mayor and 6 Council members were present thereat.

Liz Myer, Deputy Town Clerk
for Catherine A. Templeton, CMC, Town Clerk
TOWN OF GILBERT, Arizona

I, CATHERINE A. TEMPLETON, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF RESOLUTION NO. 3776, ADOPTED BY THE TOWN OF GILBERT COMMON COUNCIL ON THE 15TH DAY OF JANUARY, 2015, WAS POSTED IN FOUR PLACES ON THE 22nd DAY OF JANUARY, 2015.

Liz Myer, Deputy Town Clerk
for Catherine A. Templeton, CMC, Town Clerk

EXHIBIT "A"



Legal Description Street Light District Warner Groves at Morrison Ranch

Job No. 13-012

October 24, 2014

A portion of the Southeast Quarter of Section 15, Township 1 South, Range 6 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

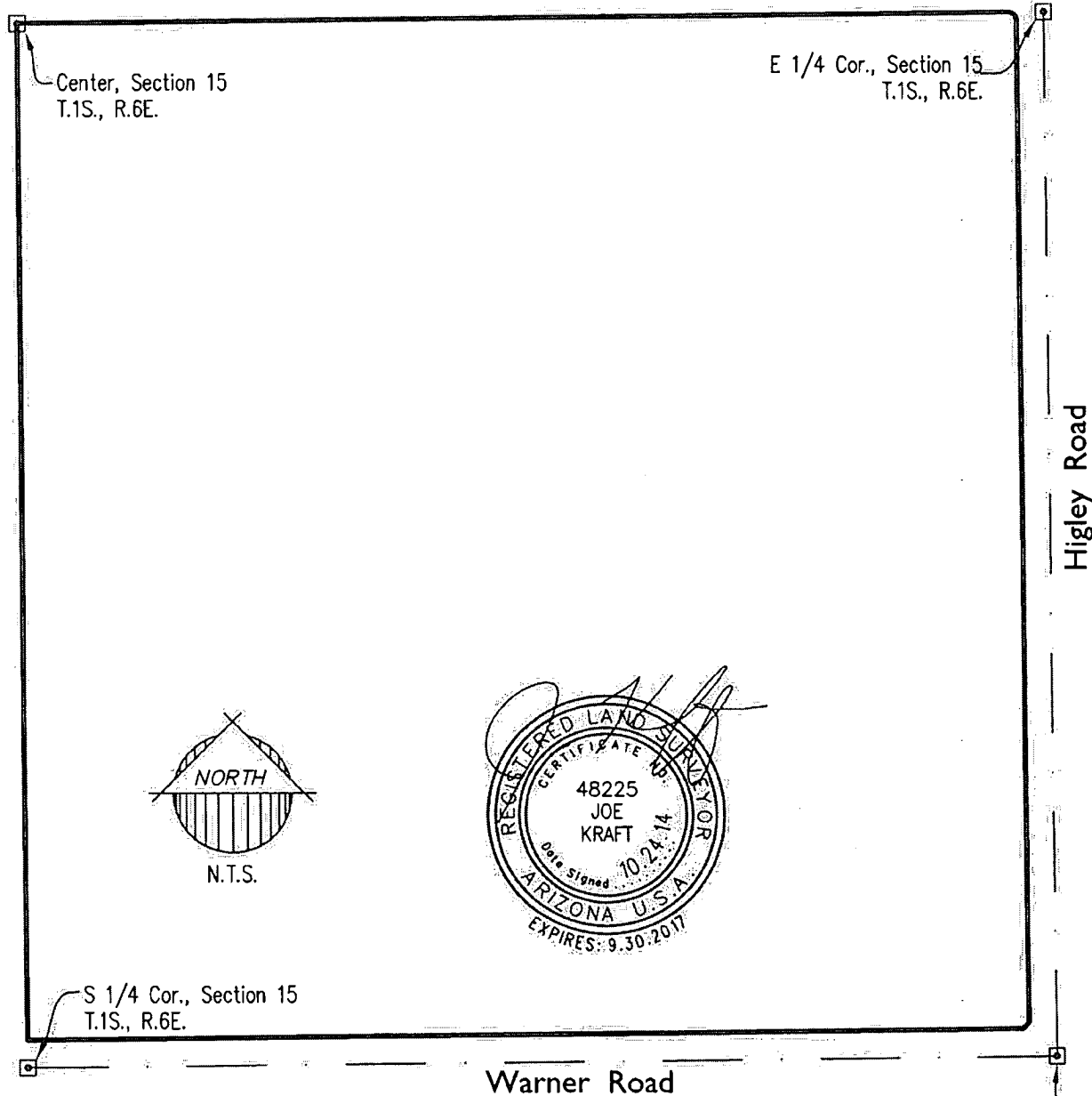
COMMENCING at a brass cap in a hand hole, at the southeast corner of said Section 15, from which a brass cap in a hand hole, at the south quarter corner of said Section 15 bears S89°23'36"W (an assumed bearing) at a distance of 2605.14 feet; thence S89°23'36"W, along the south line of the Southeast Quarter of said Section 15, for a distance of 84.85 feet; thence N00°36'24"W for a distance of 70.00 feet to a point on the north line of the south 70 feet of the Southeast Quarter of said Section 15, said point being the POINT OF BEGINNING

Thence S89°23'36"W, along said north line, for a distance of 2,520.00 feet to a point on the west line of the Southeast Quarter of said Section 15; thence N00°21'55"W, along said west line, for a distance of 2,565.11 feet to a $\frac{3}{4}$ " pipe at the center of said Section 15; thence N89°26'42"E, along the north line of the Southeast Quarter of said Section 15, for a distance of 2509.68 feet to the beginning of a curve, concave to the southwest, the center of which bears S00°33'18"E at a distance of 20.01 feet; thence southeasterly, along the arc of said curve, through a central angle of 90°04'21" for a distance of 31.46 feet to a point on the west line of the east 70.00 feet of the Southeast Quarter of said Section 15; thence S00°28'59"E, along said west line, for a distance of 2,527.78 feet; thence S44°27'19"W for a distance of 21.24 feet to the POINT OF BEGINNING;

An area containing 6,492,645 square feet or 149.0506 acres, more or less.



Ex: 9.30.17



When recorded mail to:

Town of Gilbert

Town Clerk

50 East Civic Center Drive

Gilbert AZ 85296

**OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150038538 01/21/2015 09:32 N
ELECTRONIC RECORDING
Gilbert1041-8-1-1--**

This area reserved for County Recorder

**CAPTION HEADING
RESOLUTION 3776**

DO NOT REMOVE